

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

| | | |
|--------------------------|---|---------------|
| MARKETING UNLIMITED LLC, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | CV-09-235-B-W |
| |) | |
| SRE CHEAPTRIPS INC., |) | |
| |) | |
| Defendant. |) | |

**ORDER AFFIRMING THE RECOMMENDED DECISION
OF THE MAGISTRATE JUDGE**

No objection having been filed to the Magistrate Judge's Recommended Decision filed August 21, 2009, the Recommended Decision is accepted.

Accordingly, because a similar lawsuit has been filed in the United States District Court in Idaho and because federal jurisdiction was first established in Idaho, it is hereby ORDERED that the Motion to Dismiss (Docket # 5) be and hereby is DEFERRED until the Idaho court has ruled on the parallel motion in that court. If the Idaho court denies Marketing's Motion to Dismiss, under prevailing First Circuit "first filed" precedent, this Court will grant Defendant's Motion to Dismiss, rendering the Motion for Injunctive Relief moot.

To assure that this deferral is not indefinite, the Court ORDERS counsel to keep current about the status of the pending motion to dismiss in Idaho and to inform the Court in writing immediately upon its disposition. If counsel have not so informed the Court, a telephone conference of counsel will be scheduled no earlier than ninety days from today.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
CHIEF UNITED STATES DISTRICT JUDGE

Dated this 10th day of September, 2009